FARRELL THERESA C
78 GEORGETOWN 631

(97)

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ACTION ARA-14
INFO OCT-01 ISO-00 SCS-06 L-03 H-01 [redacted] STATE A/CDC/MR
023480 242038Z /47

REVIEWED BY JOHN SIMMS DATE 2.27-81

RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☑ RELEASABLE☑
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P 241745Z FEB 78
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC PRIORITY 6283
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ARA/CAR PASS AMBASSADOR BURKE
E.O. 11652: N/A
TAGS: CASC (STOEN, JOHN)
SUBJECT: W/W JOHN STOEN
REF: (A) GEORGETOWN 0581, (B) STATE 041710

1. CONSUL MET TODAY (FEB 24) WITH MINISTER OF JUSTICE SHAHABUDDEEN TO DISCUSS IN GENERAL TERMS STOEN CASE. MINISTER SHAHABUDDEEN ADVISED CONSUL THAT GUYANESE COURT DECISIONS AWARDING CUSTODY GENERALLY FOLLOW AMERICAN LAW, I.E., LEGAL FATHER IS CONSIDERED TO HAVE CUSTODY WITH MOTHER HAVING SECONDARY CUSTODY RIGHTS. HOWEVER, COURT ALWAYS RESERVES RIGHT TO DECIDE CASE ON "WHAT IS BEST FOR THE CHILD".

2. SHAHABUDDEEN FURTHER INFORMED CONSUL THAT SINCE CHILD CUSTODY CASES ARE CIVIL DISPUTES, THERE IS NO LEGAL REQUIREMENT FOR HEARINGS TO BE SCHEDULED WITHIN A SPECIFIC PERIOD OF TIME. SOME CASES CAN BE RESOLVED QUICKLY AND OTHERS TAKE LONGER DEPENDING UPON THE SCOPE OF THE CASE. SHAHABUDDEEN STATED THAT WHEN A JUDGE IN GUYANA DECIDES TO GIVE HIS DECISION IN WRITING SUCH AN OPINION CAN TAKE AT LEAST FOUR MONTHS BEFORE HIS DECISION IS RELEASED. WHEN SHAHABUDDEEN ASKED WHEN THE LAST HEARING WAS HELD AND THE JUDGE'S DECISION ON HOW HE (THE JUDGE) PLANNED TO PROCEED FUR-

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THER, CONSUL REPLIED THE LAST HEARING WAS HELD ON JANUARY 10 AND THE JUDGE ANNOUNCED HE WOULD GIVE HIS OPINION IN WRITING. SHAHABUDDEEN THEN COMMENTED THAT THE DELAY TO DATE WOULD NOT BE CONSIDERED EXCESSIVE.

3. CONSUL SHOWED MINISTER SHAHABUDDEEN STATE TELEGRAM 036362 WHICH REPORTED THE HEAVY CONGRESSIONAL INTEREST IN THE STOEN CASE. CONSUL VERY CAREFULLY EXPLAINED TO THE MINISTER THAT HIS VISIT WAS SIMPLY FOR INFORMATIONAL PURPOSES AND NOT TO INDICATE USG CONCERN WITH GUYANESE JUDICIAL PROCESS IN THIS CASE. SHAHABUDDEEN REPLIED THAT HE UNDERSTOOD. THE MINISTER THEN REMARKED THAT HE BELIEVES HE WAS APPOINTED TO THE CABINET POSITION BY THE PRIME MINISTER BECAUSE OF HIS REPUTATION AS A "LEGAL TECHNICIAN" WHO WOULD DEFEND THE INDEPENDENCE OF THE JUDICIARY FROM EXECUTIVE (READ GOVERNMENT) INTERFERENCE. HE EXPECTED TO MAINTAIN HIS REPUTATION WHILE HE WAS MINISTER. HE THEN TOLD CONSUL THAT HE (SHAHABUDDEEN) WAS AVAILABLE AT ANY TIME FOR ADVICE ON THIS MATTER OR ON ANY OTHER LEGAL

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QUESTION THAT MAY ARISE.

4. COMMENT: SHAHABUDDEEN HAS BEEN EASILY ACCESSIBLE AND HELPFUL TO EMBASSY. HE IS CONSIDERED HIGHLY COMPETENT AND PROBABLY WOULD RESIST POLITICAL PRESSURES TO INTERVENE ON THIS OR ANY OTHER CASE.

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